
TITLE 590 INDIANA LIBRARY AND HISTORICAL BOARD

Proposed Rule
LSA Document #15-83

DIGEST

Amends [590 IAC 6-1-2](#) concerning the definition of "evening hours". Adds [590 IAC 6-1-5](#) concerning minimum standards for public libraries. Repeals [590 IAC 6-1-4](#). Effective January 1, 2017.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)

[590 IAC 6-1-2](#); [590 IAC 6-1-4](#); [590 IAC 6-1-5](#)

SECTION 1. [590 IAC 6-1-2](#) IS AMENDED TO READ AS FOLLOWS:

[590 IAC 6-1-2](#) Definitions

Authority: [IC 4-23-7.1-11](#); [IC 4-23-7.1-24](#)

Affected: [IC 4-23-7](#)

Sec. 2. The following definitions apply throughout this article:

- (1) "Bylaws" means the rules adopted by the library board for the:
 - (A) government of its members; and
 - (B) regulation of its affairs.
- (2) "Class A" means libraries serving a population greater than thirty-nine thousand nine hundred ninety-nine (39,999).
- (3) "Class B" means libraries serving a population of at least ten thousand one (10,001) but fewer than forty thousand (40,000).
- (4) "Class C" means libraries serving a population of ten thousand (10,000) or less.
- (5) "Collection expenditures" means items that are purchased with operating funds and made available to patrons by the library for loan and reference including:
 - (A) books;
 - (B) audiovisual materials;
 - (C) electronic media devices; and
 - (D) databases.
- (6) "Continuing education" means an approach to education that encourages dynamic and continuous learning.
- (7) "Director" means the librarian who is:
 - (A) the administrative head of the library; and
 - (B) responsible to the library board for the operation and management of the library.
- (8) "Electronic media devices" means devices used by the public to directly access information, excluding peripherals and connectivity.
- (9) "Evening hours" means the hours the library is open after ~~6:00~~ **5:00** p.m.
- (10) "Fixed location" means each main location, branch, or campus of a library district.
- (11) "Full-time" means that the director is paid for:
 - (A) at least thirty-five (35) hours per week; or
 - (B) if the library is open fewer than thirty-five (35) hours per week, the number of hours that the library is open.
- (12) "INSPIRE" means the virtual library composed of multiple online databases available to residents of Indiana.
- (13) "Integrated library system" or "**ILS**" means software used to track:
 - (A) items owned;
 - (B) circulation; and
 - (C) patron records.
- (14) "Library board" means the fiscal and administrative body of a public library.
- (15) "Library sponsored program" means a workshop, program, seminar, or outreach program sponsored by the library, in which the library's staff plays a significant role, including, but not limited to, technology, informational literacy, early literacy, children's, cultural programming, and other programming offered for the community.
- (16) "Population served" means residents of the library district taxed for the support of the library.

(17) "Public access computer" means each computer connected to the Internet available to patrons and each workstation with software available to patrons, for example, word processing and spreadsheets, or specialized children's programs. Each fixed service location with wireless access to the library's public Internet shall be computed as ten (10) public access computers.

(18) "Special services" means library service for people who are:

- (A) blind;
- (B) deaf; or
- (C) physically disabled.

(19) "Weekend day" means the library is open four (4) hours per day on Saturday or Sunday.

(20) "Young adult" means the age group defined by the American Library Association's Young Adult Library Services Association.

(Indiana Library and Historical Board; [590 IAC 6-1-2](#); filed Mar 17, 2010, 4:01 p.m.: [20100414-IR-590080945FRA](#), eff Jan 1, 2011)

SECTION 2. [590 IAC 6-1-5](#) IS ADDED TO READ AS FOLLOWS

[590 IAC 6-1-5](#) Minimum standards for public libraries

Authority: [IC 4-23-7.1-11](#); [IC 4-23-7.1-24](#)

Affected: [IC 4-23-7](#); [IC 4-23-7.1](#); [IC 5-14-1.5](#); [IC 5-14-3-8](#); [IC 6-1.1-18.5](#); [IC 35-44.1-1-4](#); [IC 36-1-20.2](#); [IC 36-12-2-24](#)

Sec. 5. (a) The library must operate in compliance with Indiana laws, including the following:

- (1) The public library law under [IC 36-12](#).**
- (2) The open door law under [IC 5-14-1.5](#) and access to public records act under [IC 5-14-3](#).**
- (3) Other Indiana laws that affect municipal corporations and political subdivisions.**
- (4) Federal laws affecting employment practices.**

(b) All newly constructed and existing library facilities must be in compliance with local, state, and federal building and health and safety codes.

(c) The library must comply with provisions of the federal Americans with Disabilities Act to make its physical and digital services available to everyone.

(d) The library board is responsible for hiring and evaluating annually a full-time library director with the education and experience required by the librarian certification rules under [590 IAC 5](#).

(e) The library board is legally responsible for the employment and discharge of librarians and other staff with the advice and recommendation of the director in accordance with [IC 36-12-2-24](#).

(f) The library board and director shall maintain their separate functions as follows:

- (1) The board is responsible for governance and policy.**
- (2) The director is responsible for administration, operation, and management of the library.**

(g) The library board shall have written bylaws that state its purpose and its operational procedures as follows:

(1) The bylaws shall specifically state rules governing conflicts of interest and nepotism as follows:

- (A) The rules governing conflicts of interest shall be at least as restrictive as [IC 35-44.1-1-4](#).**
- (B) The rules governing nepotism shall be at least as restrictive as [IC 36-1-20.2](#).**

(2) The bylaws shall be reviewed by the library board every three (3) years.

(3) A copy of the bylaws and all amendments to the bylaws that have been adopted by the board each year must be submitted with the library's annual report.

(h) The library board shall adhere to the principles outlined in current Indiana state library publications for library trustees.

(i) The library will provide an orientation to new library board trustees in cooperation with the Indiana state library and shall provide training materials to all library trustees and directors annually.

(j) The library shall provide support for continuing education for staff and trustees.

(k) With the advice and recommendation of the library director, the library board shall adopt the following written plans and policies:

- (1) Collection development.
- (2) Principles of access to all library materials and services, including a schedule of fines and Internet access policy.
- (3) A schedule of classification of employees.
- (4) An annual schedule of salaries.
- (5) A proposed library budget.
- (6) A long-range plan of service for between three (3) to five (5) years. The plan, updates, and revisions must be filed with the Indiana state library. At a minimum, the plan shall include the following:
 - (A) A statement of community needs and goals.
 - (B) An assessment of facilities, services, technology, and operations.
 - (C) Measurable objectives and service responses to the community's needs and goals.
 - (D) An ongoing evaluation process.
 - (E) Financial resources and sustainability.
 - (F) An equipment replacement schedule.
 - (G) A professional development strategy.
 - (H) Collaboration with other public libraries and community partners.
- (7) Personnel policies and procedures that, at a minimum, address the following:
 - (A) Employment practices, such as recruitment, selection, and appointment.
 - (B) Personnel actions.
 - (C) Salary administration.
 - (D) Employee benefits.
 - (E) Conditions of work.
 - (F) Leaves.

(l) Hours of service shall be provided to allow the greatest possible access for the community as follows for each public library system. Using the definitions provided in section 2 of this rule, hours open are calculated by taking the total unique hours the district is open for regular public service for the majority of the year. The standards for hours and service days are as follows:

- (1) Class A libraries: fifty-five (55) hours per week, including four (4) evenings and one (1) weekend day.
- (2) Class B libraries: forty (40) hours per week, including two (2) evenings and one (1) weekend day.
- (3) Class C libraries: twenty (20) hours per week, including one (1) evening and one (1) weekend day.

(m) The library shall provide the following minimum services in support of adults, young adults, and children, by providing for each audience:

- (1) Acquisition, organization, and loan of print, audiovisual, digital, and other collections.
- (2) Reference services, including knowledge of and access to reference materials, including inspire.in.gov.
- (3) Space designated for each audience in each fixed location.

(n) Total programs sponsored by the library shall be provided with a minimum frequency of twelve (12) programs per year per system regardless of population served.

(o) The library system shall have a qualified individual holding the appropriate librarian certificate supervising the services listed in subsections (m) and (n), adhering to the rules set forth in [590 IAC 5](#).

(p) The library system shall offer a children's reading program for a minimum of six (6) weeks at each fixed location annually.

(q) A library shall expend, at a minimum, from all funds combined, at least eight percent (8%) of its

reported operating expenditures on library collections.

(r) The library shall provide access directly or through the Indiana state library to large print books, talking books, Braille books, audiobooks, and enhanced media to patrons who are unable to read regular print because of a visual or physical disability.

(s) The library shall provide the following means of communication with the public:

- (1) A telephone with a publicly published number.
- (2) An answering machine, voice mail, or other similar technology to provide operating hours of the library.
- (3) A discoverable public website.
- (4) An e-mail address or a means of electronic contact for the library listed on the library's website.
- (5) Technology available to electronically transmit documents.

(t) The library shall have an ILS including an online public access catalog.

(u) On-site computers shall be provided at no cost for the use of all persons regardless of residency, so long as such use does not violate any laws or other legally binding prohibitions imposed upon the person, including, but not limited to, fines owed the library or violations of local library policies.

(v) The library shall provide public access computers and wireless access at an appropriate Internet connection speed to meet the needs of its community.

(w) The library shall provide the public the ability to print and make copies at each fixed location. A fee may be charged, not to exceed a fee established by Indiana state law ([IC 5-14-3-8](#)).

(x) The library's website must be discoverable and include the following for each fixed location:

- (1) Hours of operation.
- (2) Physical address or addresses.
- (3) A map for each fixed location.
- (4) Phone number.
- (5) E-mail address or other means of electronic contact.
- (6) A link to inspire.in.gov.
- (7) Public service policies adopted by the library board, to include, but not be limited to, the following:
 - (A) Circulation policies.
 - (B) Fees.
 - (C) Internet use.
- (8) Access to the library's online public access catalog.
- (9) A calendar or schedule of events and programs, which shall be updated at least monthly, including the dates for the library board meetings.

(y) Each public library shall lend materials through at least one (1) of the following:

- (1) Statewide reciprocal borrowing program.
- (2) Online Computer Library Center, Inc. resource sharing.
- (3) A regional or national resource sharing consortium, such as Evergreen Indiana.
- (4) Local reciprocal borrowing with at least one (1) other public library district within the library district's county or an adjacent county.

(z) Libraries shall not charge their patrons for interlibrary loan (other than reimbursement for actual direct photocopy and postage costs). Recovery of costs for statewide courier services from patrons is not permitted.

(aa) A library shall not charge other Indiana libraries for interlibrary loan (other than reimbursement for actual direct photocopy and postage costs). Recovery of costs for statewide courier services from other libraries is not permitted.

(bb) Libraries shall participate in the statewide delivery service managed by the Indiana state library with a minimum of one (1) day per week of service for each two thousand (2,000) packages shipped per year, based on the previous year's total volume.

(cc) The library shall annually purge or mark inactive accounts for those patrons who have not used their accounts for the last three (3) years and do not owe materials, fines, or fees to the library, in accordance with the public libraries retention schedule from the Indiana commission on public records.

(dd) The library shall file the annual report for the preceding calendar year with the Indiana state library, in the form prescribed by the Indiana state library. This deadline will coincide with the due date required by the Indiana state board of accounts (LAR-1) report.

(ee) The report shall include a statement from the director and the board president or their designees certifying which standards have been met, including a statement outlining the library's intention and specific measures planned to reach the remaining requirements not met at that time.

(ff) Libraries receiving the same audit exception in two (2) subsequent Indiana state board of accounts audits may be found by the Indiana library and historical board to be ineligible to receive state or federal funds and services under the provisions of any program for which the Indiana state library is the administrator.

(gg) Any falsification of statements certifying which standards have been met shall result in the library being required to return to the Indiana state library any state or federal funding that was received during the year or years a library provided false information.

(hh) The Indiana library and historical board may provide a waiver, not to exceed one (1) year at a time, for a public library to be exempt from one (1) or more public library standards under the following conditions:

(1) The public library is deemed to be out of compliance with one (1) or more standards.

(2) The public library board submits an appeal to the Indiana library and historical board seeking a waiver. The request for a waiver must include a citation of the unmet standard or standards, the reason or reasons for noncompliance, and a plan for correction, including a proposed timetable.

(Indiana Library and Historical Board; [590 IAC 6-1-5](#))

SECTION 3. [590 IAC 6-1-4](#) IS REPEALED.

SECTION 4. SECTIONS 1 through 3 of this document take effect January 1, 2017.

[Notice of Public Hearing](#)

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